

Patent Application No. 09/548,141

REMARKS

This Response is in response to the Office Action dated January 15, 2004. In the Office Action, claims 1-39 were rejected under 35 U.S.C. §102. Currently pending claims 1-39 are believed allowable, with claims 1, 17, 28, 38, and 39 being independent claims.

RESPONSE TO CLAIM REJECTIONS:

Claims 1-39 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application No. 10/155,936 to Riddle et al. ("Riddle") published under 35 U.S.C. §122(b) as Patent Application Publication No. 2002/0143939 A1 on October 3, 2002.

"A person shall be entitled to a patent unless . . . (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent . . ." 35 U.S.C. §102 (emphasis added). Since the present Application was filed before Riddle, Riddle cannot be used as a reference under 35 U.S.C. §102(e). Thus, it is respectfully submitted that the rejection of claims 1-39 should be withdrawn. Furthermore, claims 1-39 are believed allowable and such allowance is earnestly requested.

CONCLUSION


In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue which the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

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No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

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